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SH2336691

OFFICER INVOLVED SHOOTING FORM

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
06/22/13	Industry Station	☑	☑

Incident Information

URN:	Date:	Time:
013-06897-1432-013	06/22/13	2144

City or Station: Industry Station

Location: [redacted] Loukelton Street, La Puente 91744

Nature of Incident: Suspect fled from car after vehicle was stopped for a CVC violation. Suspect attempted to retrieve a handgun from his waistband and was shot by deputy. Suspect died at USC.

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other: ____

Lighting (*check only one*):
- ☐ Darkness
- ☐ Daylight
- ☐ Other
- ☑ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 5-10 feet

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Incident Type (*check one or more*):
- ☐ Accidental
- ☑ Armed Person
- ☑ Fleeing Suspect
- ☑ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other: ____

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☐ Call
- ☑ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Tien	Jerry		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name			First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name			First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name			First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Strickland	Michael		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Thurol	Rick	A	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Gutierrez	Nora	H

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Strickland	Michael	

PSTD Use Only

SH # 2336691

SH-R-438A (rev. 04/18/13)

See Reverse

Officer Involved Shooting

RN: 013-06897-1432-078

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/22/13	2350	06/22/13	

Employee #	Last Name	First Name	M.I.
[redacted]	Weber	Todd	P
[redacted]	Hamil	Jeffrey	F
[redacted]	Carrizosa	Slade	M

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S-1	E-1	FH	SW	9				NN
E-1	S-1	FH	HK	45	Y	Y	DH	BK

Officer Involved Shooting
Involved Employee Information

URN: 013-06897-1432-013

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Sessman	Chad	

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Industry | Work Assignment (Unit #, Module, etc.): 148D

ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day
ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☑

Hrs of sleep prior to shooting: 8-10 | Duty Time (hrs): [redacted]
Age: [redacted] | Height: 5-11 | Weight: 210
Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors:

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Heckler @Koch | Caliber: .45 | # Shots: 5 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day
ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs):
Age: | Height: | Weight:
Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day
ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs):
Age: | Height: | Weight:
Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

Officer Involved Shooting
Suspect Information

URN: 013-06897-1432-013

Suspect Information

S 1

Last Name: Mendoza	First Name: Cesar	M.I. J
AKA Last Name: Demon	First Name:	M.I.
Sex: M Race: Hispanic	Street Address: [redacted] City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: Social Security #:	Driver's License #: [redacted]
Age: 24 D.O.B. 02/11/1989	Height: 6-1 Weight: 160 FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☑	Coroner Case # 2013-04465 Intoxication/Drug Usage? ☑	Substance Used: Methamphetamine and Marijuana
Armed? ☑	Apprehended? ☐ [redacted]	Criminal History [redacted]
Vehicle Make: Nissan	Model: Altima	Year: 2009

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		None

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: **SH2334307**

URN: **013-06897-1432-013**

SUBJECT: **Cesar Mendoza M/H 02-11-1989**

STATION/UNIT/BUREAU: **Industry Station/East Patrol Division**

DATE/TIME/DAY: **June 22, 2013, 2147 hours, Saturday**

LOCATION: [redacted] **Loukelton Street, La Puente, CA 91744**

SYNOPSIS:

On June 22, 2013, at 2147 hours, Deputies Chad Sessman and Jerry Tien assigned to Industry Station were driving south on Del Valle Street in La Puente, when they saw a grey 2009 Nissan Altima driving west on Loukelton Street, fail to stop at a stop sign located on Loukelton Street and Del Valle Street. Deputy Tien was driving and Deputy Sessman was in the front passenger's seat. Both deputies were in a class "B" uniform and were wearing vests. They were in a marked black and white crown Victoria, (SD6185).

Deputy Sessman and Tien conducted a traffic stop of the vehicle westbound on Loukelton Street. Before the vehicle came to a complete stop, the Suspect, (Cesar Mendoza), exited the vehicle and ran west on Loukelton Street along the north sidewalk. Sessman chased after Suspect Mendoza as Tien detained the other two occupants in the vehicle. A copy of the foot pursuit evaluation is included in the IAB case book as **Exhibit B**.

As Suspect Mendoza was running west, he tripped and fell on a small area of grass. When Suspect Mendoza attempted to get to his feet from a seated position facing east, Sessman saw Suspect Mendoza reaching for a silver handgun in his waistband. Fearing for his safety, Sessman fired two to three rounds at Suspect Mendoza, missing him. Suspect Mendoza stood up and continued running west on the sidewalk while reaching for his waistband.

As Sessman took cover behind a brick post, he saw Suspect Mendoza turning in his direction and reaching for the handgun in his waistband.

Fearing for his safety, Sessman fired two to three rounds at Suspect Mendoza, striking him. After being struck, Suspect Mendoza ran a short distance and collapsed. Deputy Sessman handcuffed Suspect Mendoza and initiated a broadcast of a "Deputy involved in a shooting," and requested paramedics for Suspect Mendoza.

Suspect Mendoza sustained multiple gunshot wounds to the upper torso. He was transported to Los Angeles County/USC Medical Center where he was pronounced dead.

Suspect Mendoza's handgun, a loaded 9mm ""Smith & Wesson" semiautomatic pistol, was recovered at the scene. No record of the weapon in AFS. A Copy of the AFS printout is included in the IAB case book in **Miscellaneous Documents**.

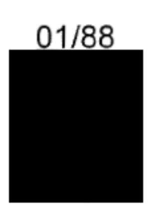
Five expended .45 caliber shell casings were recovered at the scene.

Internal Affairs Bureau Lieutenant Todd Weber, along with Sergeants Jeff Hamil and Slade Carrizosa, responded to the location to conduct an administrative review of the incident. The review is based on written documentation and interviews of witnesses and involved employees.

INVOLVED PERSONNEL:

Sessman, Chad, Deputy, [redacted] MW/[redacted], 5-11, 210 lbs, Left Handed
Industry Station, (On loan from Operations Safe Streets Bureau).

Date of Employment: 01/88
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:



INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

SUSPECTS:

Mendoza, Cesar, MH/24, DOB 02/11/1989, 6-01, 160 lbs. (Deceased).

The Consolidated Criminal History System revealed [redacted]

Suspect Mendoza's Criminal History is included in the IAB case book as **Exhibit A, pages 81-108.**

Suspect Mendoza was a documented "Primera Flats" Gang Member. He was also in possession of both Methamphetamine and Hashish at the time of the shooting. **Exhibit A, pages 71-77.**

DEPARTMENT WITNESSES:

Tien, Jerry, [redacted]

NON-DEPARTMENT WITNESSES:

[redacted], M/B, [redacted]

[redacted], M/H, [redacted]

[redacted] M/H, [redacted]

INJURIES:

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

SUSPECT:

Suspect Mendoza sustained three gunshot wounds to his back, left hip and right arm. He was transported to USC Medical Center via ambulance. Suspect Mendoza was pronounced dead at 2228 hours. Coroner's report under case number 2013-04465, is included in **Exhibit A, pages 168-190**.

DEPARTMENT PERSONNEL:

None

PHYSICAL EVIDENCE:

Numerous items of evidence were collected by personnel from the Scientific Services Bureau. Suspect Mendoza's firearm was among the items recovered and collected as evidence.

IAB Note: A sketch of the crime scene and evidence legend is included in the IAB case book, **Exhibit A, pages 58-59**. Crime scene photographs are included in the IAB case book as **Exhibit C**.

DISTANCE:

Approximately five to eight feet for both shootings.

INVESTIGATORES OBSERVATIONS:

The Internal Affairs Bureau Investigators arrived at the scene approximately one hour after the incident occurred. The crime scene was secured, and the involved deputies had been transported to Industry Station.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

Loukelton Street is an east/west residential street with one lane of travel in each direction and a parking lane along the curb lines. The shooting took place just west of Ballista Avenue, on Loukelton Street, between Del Valle Avenue and Hacienda Boulevard. The area was illuminated by overhanging street lights.

Investigators observed a Sheriff Department radio car (SD6185), positioned behind a grey Nissan Altima [redacted] The radio car front doors were both open and the emergency red lights were on. Both spot lights were on, along with the vehicles high beams. The gray Nissan was stopped along the north curb line of Loukelton Street, between [redacted] and [redacted] Loukelton Street. Both front doors were open along with the right rear passenger's door, and trunk. For a complete description of the crime scene, see **Exhibit A, pages 33-35**. Copies of the crime scene photographs are included in **Exhibit C**.

REVIEW OF RADIO TRANSMISSIONS:

The Internal Affairs Bureau Investigators reviewed the radio traffic associated with the incident. There was no radio traffic broadcast prior to the shooting.

On the main working frequency (SCC Dispatch), at 2146 hours, Deputy Sessman is heard broadcasting a deputy involved shooting [redacted] at Loukelton St, and Ballista Ave. Numerous units acknowledge and respond. At one minute and twenty six seconds, 140S acknowledges and responds. Twenty three seconds later Deputy Sessman requested the Fire Department [redacted] for the Suspect. Thirty one seconds later, aero acknowledged and responded. Fifty three seconds later, the first assisting unit (143T1) arrived. A C.D. containing a recording of the radio communications is included in the IAB case book as **Exhibit C**.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

WEAPON USED BY DEPARTMENT PERSONNEL:

Deputy Sessman	
Service Weapon Type:	Heckler & Koch USP .45 Semi-Automatic
Rounds Fired	5
Type of Ammunition	Department Issued .45 Automatic (Win) Ranger T-Series, 230gr.
Date Employee Last Qualified	[redacted]
Equipment	4 magazines for his duty weapon, radio, 2 sets Handcuffs, collapsible baton and flashlight.

IAB Note: An examination of Deputy Sessman's firearm indicated he shot 5 rounds. The Test Fire Exam Report of Deputy Sessman's firearm is included in the IAB case book, **Exhibit A, page 66**. Deputy Sessman's Firearms Training Record and Qualification Record are included in the IAB case book in the **Miscellaneous Documents**.

WEAPON USED BY SUSPECT:

A loaded Stainless Steel 9mm Semi-Automatic pistol, and extra magazine, (Smith & Wesson serial number [redacted] was recovered from the Suspect. 17 live 9mm rounds were recovered from the weapon and magazine.

IAB Note: The Firearm was test fired by the crime lab and determined to be operational. **Exhibit A pages 66-67.**

PROPERTY DAMAGE:

None

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

CRIMINAL INVESTIGATORS/CHARGES FILED:

Investigators: Sergeant Robert Grey [redacted] and Detective Dan Morris [redacted] Homicide Bureau.

Charges: Suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The incident took place on a warm, clear night at approximately 2147 hours. The area was illuminated by overhanging street lights.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Sessman

On June 23, 2013 at 0226 hours, Deputy Chad Sessman [redacted] was interviewed (audio-taped) by Homicide Bureau Sergeant Grey and Detective Morris at Industry Sheriff's Station. The interview is summarized and included in **Exhibit A, pages 40-42.** See attached transcripts.

On December 19, 2014, at 1052 hours, Deputy Sessman was interviewed by IAB Sergeants Hamil and Morris. He was represented by Attorney Amanda Waters from the law firm of Green and Shinee. The following is a summary of his interview. See the attached verbatim transcripts.

On June 22, 2013, Deputy Sessman was working with Deputy Tien. They were working as a gang suppression unit (148D) and they had worked as partners for approximately two months. They were in a marked black and white Sheriff's vehicle and were both dressed in class "B" uniforms. He was seated on the front passenger's side of the car and Tien was driving. Sessman stated he and Tien had talked about tactics and what they would do on different scenarios during each shift they worked. Sessman stated both deputies' hand held radios were set to Industry's Station working frequency and the car radio was on the station's [redacted] frequency.

Deputy Sessman said he and Deputy Tien were driving southbound on Loukelton Street and stopped at the intersection of Loukelton Street and Del Valle. They observed a vehicle fail to come to a complete stop for the posted stop sign. The vehicle was driving westbound on Loukelton Street. As the vehicle passed by them driving westbound on Loukelton Street, he saw the vehicle was driven by a male black approximately sixty years old (Witness [redacted]. He could see the front seat passenger was a male Hispanic approximately twenty years old (Suspect Mendoza). Suspect Mendoza had a blue baseball cap on covering his shaved head.

Suspect Mendoza was leaned all the way back in the seat and as the vehicle passed, it appeared Suspect Mendoza was attempting to hide. Deputy Sessman said the area is a "Puente 13" gang area, known for the "Ballista" set.

They initiated a traffic stop on the vehicle, and illuminated the vehicle with the spotlights. As they illuminated the vehicle, they saw a third occupant inside the vehicle (Witness [redacted] seated in the rear seat. As the vehicle slowly stops, Sessman saw the front passenger's door open and advised Tien that Suspect Mendoza might attempt to run. Sessman exited the vehicle and attempted to get to the Suspects' vehicle before Suspect Mendoza had a chance to run. As Sessman closed the distance, Suspect Mendoza got out of the vehicle and ran westbound on the sidewalk of Loukelton Street. Sessman ran after him, passing the suspect's vehicle.

Deputy Sessman said he knew Tien was not running with him, because they had discussed prior to the stop, that the driving deputy would stay with the suspects' vehicle and the deputy "following" the running suspect would evaluate the situation.

Deputy Sessman said Suspect Mendoza was "Sprinting" and he could see that his hands were empty. Sessman ran after Suspect Mendoza, trying to close the distance and catch Suspect Mendoza. Sessman said after two or three "Paces" Suspect Mendoza stumbled and fell onto the concrete sidewalk. He was approximately 15-20 feet behind Suspect Mendoza when he fell.

Sessman said he felt the situation was over when Suspect Mendoza fell, and he got within five feet. Sessman said Suspect Mendoza was seated with his legs out in front of him and was now facing in his direction. Sessman said when Suspect Mendoza started running he could see both of his hands were clearly empty. Now with Suspect Mendoza facing him after his fall he could see Suspect Mendoza reaching with both hands towards his waistband.

Sessman said he could see Suspect Mendoza pulling on a stainless steel object with his right hand and thought the object was a gun. Sessman immediately thought Suspect Mendoza was attempting to retrieve the gun to kill him.

Deputy Sessman said he drew his weapon and from a distance of approximately five feet, he fired two to three rounds at Suspect Mendoza. Sessman said he must have missed Suspect Mendoza because he immediately jumped up and started to run westbound. Sessman said he was standing in the middle of a driveway, and knew Suspect Mendoza was armed. He moved to his right and took cover behind a brick pillar for protection and to re-evaluate the situation. Sessman saw Suspect Mendoza reach for his waistband and make a pulling motion.

Deputy Sessman said Suspect Mendoza stopped running and turned to where he (Sessman) had been standing before he sought cover. He could see Suspect Mendoza looking for him and thought Mendoza was going to re-engage him with his weapon or engage his partner who was still by the car. Sessman ordered Suspect Mendoza to show his hands and the Suspect turned towards him. Fearing for his safety, Sessman fired another two to three rounds at Suspect Mendoza. Sessman said he saw Suspect Mendoza reacted this time and knew he had shot him. Sessman said Suspect Mendoza staggered westbound another five feet and fell onto his stomach with both of his hands underneath him. Deputy Sessman said the Suspect now knew where he was and based on the Suspect's hands underneath him and the Suspect still being armed, he decided to close the distance and handcuff the Suspect.

Deputy Sessman verbally communicated with his partner, checking on his status and asked if he was ok. Deputy Sessman got on the radio and broadcast he had been in a shooting and, also requested Fire Department for the Suspect.

He estimated the distance he ran and the distance between he and Deputy Tien to be approximately twenty feet. Deputy Sessman estimated the time he chased Suspect Mendoza before the suspect tripped and fell to be approximately two to three seconds. Deputy Sessman said he estimated the time after Suspect Mendoza tripped to after the second series of shots that were fired, was four to five seconds. Deputy Sessman said he was not in foot pursuit, nor was there a partner splitting issue, because of the short distance and that he had an unobstructed view of his partner.

Deputy Sessman stated while Suspect Mendoza was in a seated position and his shots would have been at a downward angle during the first series of shots. Suspect Mendoza was standing upright and turning to the left, in his direction, during the second series of shots. The shots should have been at straight level angle.

Deputy Sessman stated his backdrop was a deserted residential street. He observed no pedestrian traffic during the shooting.

IAB Note: Deputy Sessman was shown multiple photographs of the crime scene during his interview. The Photographs will be included in the IAB case book as **Exhibit E**.

Deputy Tien

On June 23, 2013 at 0210 hours, Deputy Jerry Tien [redacted] was interviewed (audio-taped) by Homicide Bureau Sergeant Grey and Detective Morris at Industry Sheriff's Station. Sergeant Hamil from IAB was present for the Homicide interview. The interview is summarized and included in **Exhibit A, page 43.** See attached transcripts.

On December 19, 2014, at 1019 hours, Deputy Tien was interviewed by IAB Sergeants Hamil and Morris. He was represented by Attorney Amanda Waters from the law firm of Green and Shinee. The following is a summary of his interview. See the attached verbatim transcripts.

Deputy Tien said he was driving the marked black and white patrol vehicle. He was dressed in a class "B" uniform and had the same equipment as Deputy Sessman. He and Sessman had been partners for approximately two months. He has never been involved in a foot pursuit, but he and Sessman had discussed the tactics they would employ if one occurred. Deputy Tien said the driver would stay with the suspect vehicle and the passenger would follow the suspect. On the night of the shooting, he was the driver and stayed with the suspect vehicle, and he detained the two other persons in the vehicle.

Deputy Tien saw Suspect Mendoza run from the vehicle, and Deputy Sessman follow. He said they ran out of his view because he was facing towards the two people in the vehicle. He heard commands by Deputy Sessman but could not remember them.

Deputy Tien estimated the entire incident occurred within ten seconds from the initial traffic stop. He stated Deputy Sessman was only out of his view for approximately two to three seconds before he heard the shots. He stated he did not know who had shot.

> **IAB Note:** Deputy Tien stated in his Homicide interview, he saw the Suspect run from the vehicle, trip and fall. During his IAB interview he stated he lost sight of the Suspect and Deputy Sessman after a short distance. He marked on the crime scene sketch and photographs where he remembered the last time he saw them running. Eighteen months had elapsed between the interviews.

Deputy Tien said he did not get on the radio at all during the incident to notify of the foot pursuit or shots fired because the incident was so rapid and Deputy Sessman was in close proximity to him. Deputy Tien did not know who was shooting but could hear Deputy Sessman giving commands, so he figured Sessman was ok. Deputy Tien said Deputy Sessman asked him if he was ok, and Sessman advised he would get on the radio and make the notifications. Deputy Tien detained the two people in the car until assisting units arrived.

> **IAB Note**: Deputy Tien was shown multiple photographs of the crime scene during his interview. The Photographs will be included in the IAB case book as **Exhibit D**.

CIVILLIAN WITNESSES:

The audio recordings of the witness interviews provided by homicide investigators were sent to the transcription service. The audio interviews were covered by ambient noise from the surroundings and were low in volume. The transcription service advised some of the interviews were less than ten percent audible. They transcribed what they could hear and those transcripts were included in the IAB case book. The witness statements are based from the homicide summaries, **Exhibit A**.

[redacted]

On June 23, 2013, Witness [redacted] was interviewed by Homicide Investigators Grey and Morris **(Exhibit A page 44)** at the Industry Sheriff's Station. The interview was audio-recorded. See the attached transcripts in the IAB case book.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT

Witness [redacted] related he was asked by the [redacted] of Suspect Mendoza to go give the Suspect a ride to San Dimas. He had known the Suspect's [redacted] for about two months and the Suspect for three weeks.

IAB Note: Homicide Investigators identified the Suspect's [redacted] as [redacted]. They interviewed her and a summary of her interview is included in **Exhibit A, pages 46-47**. Her audio interview is under job number **43624**.

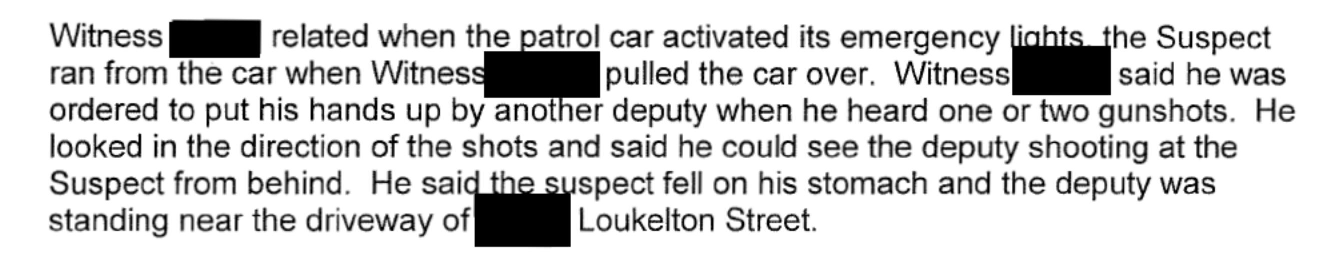
Witness [redacted] drove his car to [redacted] house and picked up the Suspect. The Suspect asked Witness [redacted] to pick up his [redacted] (Witness [redacted]). They were driving with the Suspect in the front seat and Witness [redacted] in the back. Witness [redacted] related they drove westbound on Loukelton Street when a police car "Spotlighted" the vehicle. Witness [redacted] related the Suspect became very nervous and told him to pull over. Witness [redacted] said the Suspect ran from the car before he was able to stop. He said he saw a deputy chase the Suspect and both ran out of his view, and a few seconds later he heard four gunshots. Witness [redacted] did not know who shot because he was detained by another deputy who was pointing a weapon at him and Witness [redacted] He remained in the vehicle until other deputies arrived and he was detained at Industry Sheriff's station. Witness [redacted] did not see the Suspect with a weapon while he was in his car.

[redacted]

On June 23, 2013, Witness [redacted] was interviewed by Homicide Investigators Grey and Morris, **(Exhibit A, pages 44-46)**, at the Industry Sheriff's Station. The interview was audio recorded and is under job number **43627**.

Witness [redacted] related he and Suspect Mendoza were both "Puente" gang members and they were [redacted] He received a call from the Suspect and asked him to go to Ontario to pick up narcotics from other gang members. He was picked up by Witness [redacted] and the Suspect. He sat in the back seat and the Suspect was seated on the front passenger's seat. As they drove on Loukelton Street they saw a police vehicle at the intersection of Del Valle. Witness [redacted] said the Suspect was extremely nervous and told him that he needed to run because he was armed. Witness [redacted] did not see the weapon, but the Suspect patted his waist band and the Witness knew the Suspect often carried a gun because he had been shot before. Witness [redacted] described the firearm the Suspect carried and it matched the weapon recovered after the shooting.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT


Witness [redacted] related when the patrol car activated its emergency lights, the Suspect ran from the car when Witness [redacted] pulled the car over. Witness [redacted] said he was ordered to put his hands up by another deputy when he heard one or two gunshots. He looked in the direction of the shots and said he could see the deputy shooting at the Suspect from behind. He said the suspect fell on his stomach and the deputy was standing near the driveway of [redacted] Loukelton Street.

[redacted]

On June 23, 2013, at 0136 hours, Homicide Investigators Ken Clark and John Fredendall interviewed Witness [redacted] at his residence. The Interview was audio recorded. See the attached transcriptions in the IAB case book.

Witness [redacted] related he was awakened by the sound of gunshots at approximately 2130 hours. He wears prescription glasses but did not have them on. He looked out of his window and saw a flash and he went to check on his family. He returned to the window and heard the Suspect yelling. He could see a deputy on top of him and was telling the Suspect to calm down. He went outside to see if the deputy needed help because he thought he was alone. **Exhibit A pages 36-38**.

On April 1, 2014 the Los Angeles County District Attorney's Office issued their letter of opinion regarding this shooting incident advising that Deputy Sessman acted in lawful self-defense. A copy of the letter is included in the IAB case book, **Miscellaneous Documents**.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 1, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #13-0457
L.A.S.D. File #013-06897-1432-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 22, 2013, fatal shooting of Cesar Mendoza, by Los Angeles County Sheriff's Department (LASD) Deputy Chad Sessman. We have determined that Deputy Sessman acted lawfully in self-defense.

The District Attorney Command Center was notified of this shooting at 10:30 p.m., on June 22, 2013. The District Attorney Response Team (DART), consisting of Assistant Head Deputy District Attorney Shannon Presby and District Attorney Senior Investigator Armando Alvarado responded to the scene. They were given a briefing of the circumstances surrounding the incident and a "walk-through" of the shooting scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Sergeant Robert Grey and Detective Daniel Morris, LASD Homicide Bureau. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

On June 22, 2013, Deputy Sessman and his partner Deputy Jerry Tien were working a crime suppression detail in the City of La Puente. The deputies were riding in a marked LASD patrol car and both deputies were dressed in full police uniforms. Tien was the driver and Sessman was the front passenger.

At approximately 9:45 p.m., Sessman and Tien observed a grey Nissan Altima traveling west on Loukelton Street. As the Altima passed in front of the patrol car, Sessman illuminated the

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us



vehicle with a spotlight. Sessman observed three males inside the Altima. The right front passenger of the Altima was slouched low in the seat and wearing a blue baseball cap. When the Altima failed to stop at the stop sign at the intersection of Loukelton Street and Del Valle Avenue, Tien conducted a traffic stop.

Before the Altima came to a complete stop, the right front passenger, Cesar Mendoza, exited the vehicle and began running west on the north sidewalk of Loukelton Street. Sessman exited the passenger side of the patrol car and pursued Mendoza on foot. The other two occupants of the Altima remained inside the vehicle.

As Mendoza ran from Sessman, he tripped and fell to the ground landing on his buttocks facing Sessman. Sessman saw that Mendoza had a chrome handgun in his waistband. Mendoza looked directly at Sessman, reached for his waistband and grabbed the handgun with both hands. Believing that Mendoza was preparing to draw the firearm and shoot him, Sessman drew his service weapon and fired at Mendoza.

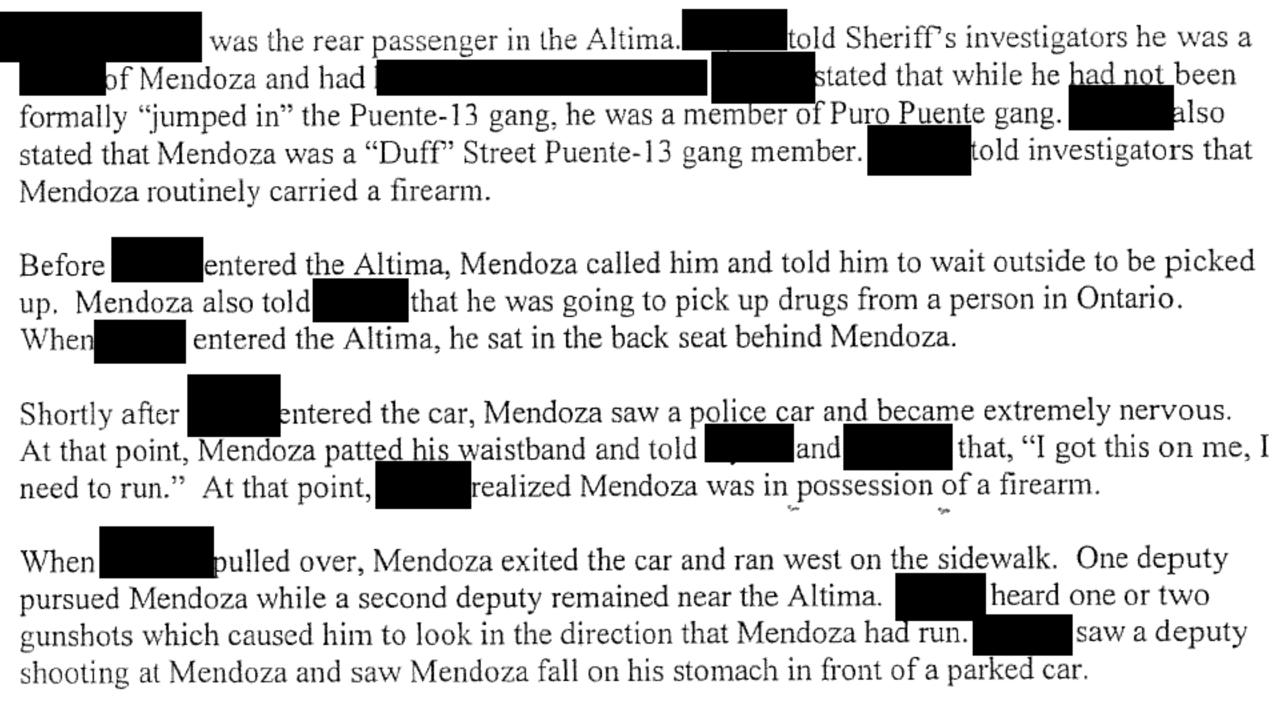
Mendoza jumped to his feet and continued to run west on the north sidewalk of Loukelton Street. As Mendoza ran, he kept his arms in front of him near his waist. Mendoza was moving his hands near his waist and periodically looking over his left shoulder toward Sessman. Sessman moved to a position behind a concrete fence post and fired a second salvo at Mendoza.

Mendoza straightened up, staggered a few feet west and fell to the ground with his hands under his body. Sessman moved toward Mendoza, pulled his hands from under his body, handcuffed him and requested medical assistance.

During Sessman's pursuit of Mendoza, Tien remained near the Altima insuring that the remaining two occupants stayed inside the vehicle. He heard Sessman yelling commands at Mendoza as Mendoza fled, but could not remember what Sessman said. Tien heard gunshots, but because his view of Sessman and Mendoza was blocked by a vehicle, he did not know if Sessman or Mendoza was shooting.

[redacted] the driver of the Altima, told Sheriff's investigators that he agreed to give "Alvin" (Cesar Mendoza) a ride to San Dimas prior to the shooting. [redacted] picked up Mendoza who sat in the front passenger's seat and subsequently picked up Mendoza's [redacted] who sat in the rear of the Altima.

As [redacted] drove west on Loukelton Street, his vehicle passed in front of a police car. When the police car illuminated his vehicle with a spotlight, Mendoza became very nervous. The police car followed [redacted] and activated its emergency lights. Mendoza told [redacted] to pull over. As [redacted] was pulling to the curb, Mendoza exited the Altima and began running west on Loukelton Street. Shortly thereafter, [redacted] heard gunshots but did not know who was shooting. [redacted] did not see the shooting.



[redacted] was the rear passenger in the Altima. [redacted] told Sheriff's investigators he was a [redacted] of Mendoza and had [redacted] stated that while he had not been formally "jumped in" the Puente-13 gang, he was a member of Puro Puente gang. [redacted] also stated that Mendoza was a "Duff" Street Puente-13 gang member. [redacted] told investigators that Mendoza routinely carried a firearm.

Before [redacted] entered the Altima, Mendoza called him and told him to wait outside to be picked up. Mendoza also told [redacted] that he was going to pick up drugs from a person in Ontario. When [redacted] entered the Altima, he sat in the back seat behind Mendoza.

Shortly after [redacted] entered the car, Mendoza saw a police car and became extremely nervous. At that point, Mendoza patted his waistband and told [redacted] and [redacted] that, "I got this on me, I need to run." At that point, [redacted] realized Mendoza was in possession of a firearm.

When [redacted] pulled over, Mendoza exited the car and ran west on the sidewalk. One deputy pursued Mendoza while a second deputy remained near the Altima. [redacted] heard one or two gunshots which caused him to look in the direction that Mendoza had run. [redacted] saw a deputy shooting at Mendoza and saw Mendoza fall on his stomach in front of a parked car.

After the shooting, Los Angeles County Fire Department personnel responded to the scene, treated Mendoza and transported him to County USC Medical Center. Mendoza did not survive his injuries.

On June 30, 2013, Deputy Medical Examiner Cho Lwin, M.D. conducted an autopsy on Mendoza remains. The cause of death was multiple gunshot wounds.

A loaded .9mm Smith and Wesson firearm was found in a holster attached to Mendoza's clothing. A second magazine loaded with eight rounds was also found in Mendoza's clothing.

Sessman's duty weapon was an HK .45 caliber semiautomatic pistol. Based on the expended cartridge casings collected at the scene, Sessman fired five times during this incident.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense, if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *See*, Penal Code § 197; People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082.

In protecting himself a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 89 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined shows that Cesar Mendoza was in possession of a loaded firearm and an additional magazine containing live ammunition. He was apparently on his way to purchase illegal drugs when the car he was riding in was intercepted by Deputies Sessman and Tien. When Sessman illuminated the vehicle, Mendoza became nervous and advised the other occupants of the vehicle that he was armed and intended to flee from the police. Before the vehicle came to a stop, Mendoza exited and began running from the police. When Mendoza stumbled and fell, Sessman observed Mendoza reach for the firearm. Sessman honestly and reasonably believed that Mendoza was going to draw the firearm and shoot him. To prevent this deadly threat, Sessman discharged his service weapon at Mendoza. Mendoza regained his feet and moved away from Sessman. Sessman believed that Mendoza was attempting to draw his firearm from its holster and scanning over his shoulder for Sessman. Believing that Mendoza was preparing to shoot him, Sessman fired his weapon again to end what he perceived to be a deadly threat.

We conclude that LASD Deputy Chad Sessman acted lawfully in self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

SHANNON PRESBY
Assistant Head Deputy District Attorney
(213) 974-3888

c: Deputy Chad Sessman, [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: March 30, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: TIMOTHY MURAKAMI, CAPTAIN
INDUSTRY STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2336691
Incident:	Hit Shooting
Incident Date:	June 22, 2013
Unit:	Industry Station
Suspects:	Cesar Mendoza MH/02-11-89
Involved Employees:	Deputy Jerry Tien #[redacted]
EFRC Date:	March 26, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Patrick Maxwell, Ralph Webb and Ralph Ornelas met and reviewed the above case.

FINDINGS:

The EFRC determined the force was in policy however, the tactics used against the suspect violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents, and/or 5-09/220.50 Foot Pursuits)

RECOMMENDATIONS:

The EFRC recommended a written reprimand for Deputy Tien, and that he attend a Tactics and Survival Training class.

PEM:JRB:jrb

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service Since 1850

DATE:

OFFICE CORRESPONDENCE FILE NO. IAB # IV2376642

FROM: TIMOTHY K. MURAKAMI, CAPTAIN
INDUSTRY STATION

TO: JERRY TIEN, DEPUTY
INDUSTRY STATION

SUBJECT: **WRITTEN REPRIMAND**

On or about June 22, 2013, while on duty and assigned to Industry Station, you failed to conform to the standards established for your position as a patrol deputy when you failed to employ sound tactical principles during a tactical dilemma. You admitted that prior to the June 22, 2013 incident, you and your partner reached an agreement that if a suspect/passenger ever ran from a vehicle, the driver deputy would hold the remaining occupants of the vehicle at gunpoint while the "bookman" would follow the running suspect a short distance. On June 22, 2013, during a vehicle stop, you held two occupants of the vehicle at gunpoint while you partner split from you and engaged in a foot pursuit that resulted in him shooting the suspect, who was armed.

Your actions violated the following sections of the Manuel of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 5-09/220.50, Foot Pursuits)

You are hereby reprimanded for your conduct in this incident and advised that future violations of a similar nature may result in more severe discipline.

Deputy Jerry Tien — Date: 03-31-15

Timothy K. Murakami, Captain
Industry Station — Date: 03/31/15

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: March 30, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: EDDIE RIVERO, COMMANDER
OPERATION SAFE STREET
BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2336691
Incident:	Hit Shooting
Incident Date:	June 22, 2013
Unit:	Industry Station
Suspects:	Cesar Mendoza MH/02-11-89
Involved Employees:	Deputy Chad Sessman #[redacted]
EFRC Date:	March 26, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Patrick Maxwell, Ralph Webb and Ralph Ornelas met and reviewed the above case.

FINDINGS:

The EFRC determined the force was in policy however, the tactics used against the suspect violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents, and/or 5-09/220.50 Foot Pursuits)

RECOMMENDATIONS:

The EFRC recommended a 10 day suspension for Deputy Sessman and that he attend a Tactics and Survival Training class.

PEM:JRB:jrb



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Jim McDonnell, Sheriff

March 31, 2015

Deputy Chad Sessman, #[redacted]
[redacted]

Dear Deputy Sessman:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days.

An investigation under IAB File Number 2376642, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manuel of Policy and Procedures, Sections(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 3-10/150.00, Tactical Incidents; and/or 5-09/220.50, Foot Pursuits), on or about June 22, 2013 while on Duty, Subject Sessman failed to conform to the work standards established for his position as a patrol deputy when he failed to employ sound tactical principals during a traffic stop and apprehension of an armed suspect, as evidence by, but not limited to the following:

   a. placing himself at a tactical disadvantage by splitting from his partner and engaging in a solo deputy foot pursuit of the suspect; and/or,

   b. knowing the suspect to be in possession of a handgun, Subject Sessman failed to employ sound tactics when he closed the distance, approached the downed suspect whose hands were out of view, and apprehended the suspect without waiting for additional and/or resources to arrive.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Virginia Vasquez, of Internal Affairs Bureau, at (323) 890-5314, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Eddie Rivero, Commander
Operations Safe Streets Bureau

ER:DLM:vv

cc: Advocacy Unit
Employee Relations Unit
William J. McSweeney, Chief, Detective Division
Internal Affairs Bureau
(File # IAB 2376642)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

RECEIVED
MAR 14 2017
ADVOCACY UNIT

March 8, 2017

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **CHAD SESSMAN** for a hearing on his ten (10) day **suspension**, effective September 14, 2015, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 15-263**.

The Civil Service Commission, at its meeting held on March 1, 2017 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Chad Sessman
Amy Johnson
Christine Roam
Brent Rosenbaum

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ten (10) day ***suspension****, effective September 14, 2015, from the position of Deputy Sheriff, Sheriff's Department, of* **CHAD SESSMAN** **(Case No. 15-263)**	ORDER OF THE CIVIL SERVICE COMMISSION

On March 1, 2017, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Brent Rosenbaum, to sustain the Department.

Dated this 8th day of March, 2017.

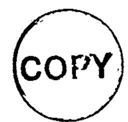
Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member



LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of

CHAD SESSMAN
Appellant

AND

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
Respondent

Case No: **15-263**

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

APPEARANCES

For the Appellant:

1. Amanda J. Waters, Attorney at Law – Green & Shinee, A.P.C. - 16055 Ventura Boulevard – Suite 1000 – Encino, CA 91436
2. Chad Sessman, Appellant
3. Roy Burns, Expert Witness

For the Respondent:

1. Christine Roam, Sergeant, Los Angeles Sheriff's Department 4900 South Eastern Avenue, Room 101, Commerce, CA 90040.
2. Peter Bollinger, Esq. – County of Los Angeles Counsel
3. Jeff Hamil, Sergeant, Los Angeles County Sheriff's Department
4. Ralph Webb, Commander, Los Angeles County Sheriff's Department
5. Michael Harding, Sergeant, Los Angeles County Sheriff's Department

Hearing Officer: Brent Rosenbaum

Hearing Dates: July 27, & July 29, and August 2, 2016

ISSUES

On November 4, 2015, the Los Angeles County Civil Service Commission defined the issues in this matter as follows:

1. Are the allegations contained in the department's letter dated September 9, 2015, true?
2. If any or all are true, is the discipline appropriate?

DEPARTMENT'S EXHIBIT LIST

1. EFRC Findings Memo
2. Letter of Intent dated March 31, 2015
3. Letter of Imposition dated September 9, 2015
4. Manual of Policy and Procedures Sections Violated
5. MPP Executive Force Review Committee
6. Shooting Review SH2336691/IV2376642

6A - Investigator Administrative Summary

6B - Scene Photos

6C - Scene/Evidence diagram and Legend

6D - Deputy Sessman DIS Interview with IAB

6E - Deputy Sessman Homicide Interview

6F - Deputy Tien DIS Interview with IAB

6G - Deputy Tien Homicide Interview

6H - CD containing digital recordings and photography

6I - Homicide Report URN #013-06897-1432- 013

6J - Autopsy Report for Cesar Mendoza

6K - Foot Pursuit Evaluation Form

7. MPP Activation of Force/Shooting Response Teams

8. 2007 Los Angeles Times Article

APPELLANT'S EXHIBIT LIST

A. Guidelines for Discipline

B. Deputy Sessman Training Records

C. Executive Force Review Committee Findings for Deputy Tien

D. District Attorney Delineation Letter

E. Deputy Sessman' s PPI

F. IAB Presentation

G. LASD Foot Pursuit Audit

H. Photographs

I. Deputy Sessman' s Performance Evaluations

J. Roy Burns Curriculum Vitae

BACKGROUND

On September 14, 2015, Appellant was suspended for ten (10) calendar days without pay from the position of Deputy Sheriff, Item No.2708A. The period of suspension was effective on Monday, September 14, 2015, and continued through, and included Wednesday, September 23, 2015.

The Department argued that investigative findings chronicled the Appellant's misconduct, thereby resulting in the ultimate decision to suspend based upon his violation of

various policies that triggered the application of the Sheriff's Department Manual of Policy, Procedures, and Ethics Section(s):

- Section(s) 3-01/050.10

  Performance to Standards and/or

  Section(s) 3-01/030.10 – Obedience to Laws, Regulations and Orders (as it pertains to 3-10/150.00)

- Tactical Incidents and/or 5-09/220.50, Regulations and Orders pertaining to Foot Pursuits

On or about June 22, 2013 while on duty, Appellant Sessman failed to conform to the work standards established for his position as a patrol deputy when he failed to employ sound tactical principals during a traffic stop and apprehension of an armed suspect, as evidence by, but not limited to the following:

a. Placing himself at a tactical disadvantage by splitting from his partner and engaging in a solo deputy foot pursuit of the suspect; and/or,

b. knowing the suspect to be in possession of a handgun, Appellant Sessman failed to employ sound tactics when he closed the distance, approached the downed suspect whose hands were out of view, and apprehended the suspect without waiting for additional and/or resources to arrive.

Department's Position

The Department representative argued the charges against the Appellant are true; supported by documentary evidence; audio recordings, and witness testimony that the discipline is appropriate. The discipline is appropriate due to Appellant's failure to follow department rules, and his failure to exercise sound judgment. Considering testimonial and documentary evidence regarding the incident, Department policies, Appellant's conduct, and Appellant's discipline history, the Appellant's 10-day suspension did not constitute an abuse

of discretion. The suspension underscores legitimate safety concerns prompted by the Appellant's conduct and to discourage him from engaging in like conduct in the future.

Appellant's Position

In outlining his affirmative defense, Appellant denied the Department's allegation summarized his position as follows:

The Appellant testified that the type of plan that occurred on June 22, 2013 was consistent with his training and experience at Compton Station, OSS, and GET. Appellant testified that this plan was one that he had utilized with many other partners in the past and knew of deputies to utilize this plan as well. From the Appellant's position, he felt that the Department should revise the Foot Pursuit Policy to clarify the limitations pertaining to a One-Person Foot Pursuit in instances where one deputy is on foot and the assisting deputy is in the vehicle. In the instance that Appellant Sessman was involved in, there was no guidance as to whether classify this as a One-Person or Multiple Deputy Foot Pursuit. On the issue of "Partner Splitting", Appellant Sessman claims he did not engage in "Partner Splitting" because his partner was within eyesight and the distance separating them was not significant.

As remedy, Appellant respectfully requests his appeal on the 10-day suspension be overturned and that he be made whole in wages and benefits, and his record be cleared of all references to the 10-day suspension and whatever further relief is deemed appropriate. To the extent that these allegations were proven, the Appellant recommends that the discipline be reduced to a Written Reprimand.

TESTIMONY OF CHAD SESSMAN

Chad Sessman, (Sessman) Appellant has been with the Sheriff's Department for 17 years. Was partnered with Deputy Tien for 2 months at the time of the shooting. Deputy Tien [redacted] Deputy Tien was driving the patrol vehicle and would conduct the interview and Appellant Sessman would provide security once a vehicle was stopped. On June 22, 2013 at 9:47 p.m. a grey vehicle failed to make a complete stop, so Deputy Tien and Appellant Sessman made a traffic stop on the vehicle due to the driver committed a moving violation and the behavior and movements of the right front passenger. Appellant Sessman opens his passenger door to get ready to bolt out. The front passenger door opens. Appellant Sessman believes that the passenger might flee. The passenger bails out and runs from the vehicle. Appellant Sessman has had prior incidents where an occupant would either walk away or run from a car. Has witnessed other individuals discarding evidence, drugs, paraphernalia. Appellant Sessman testified that this plan was only used as a guideline. Appellant Sessman' s initial intentions were to just watch the suspect. Appellant Sessman did not believe there was a physical barrier between him and his partner. The suspect stumbled on the pavement, tripped and fell and went head over heels and landed sitting facing Appellant Sessman who sees the fleeing suspect's right hand pulling a stainless-steel weapon out of his waistband. Appellant Sessman fired 2-3 rounds at the suspect in an attempt to subdue the suspect. The suspect jumped up and started running again. With no cover, Appellant Sessman noticed a 2 x 2 brick pillar next to a house and goes there to seek cover. The suspect has stopped, attempting to grab his weapon and Appellant Sessman fires 2-3 rounds at the suspect. The suspect walks or staggers for another 5-10 feet, falls with his hands underneath his body. Appellant Sessman closed the distance, put his right knee on

suspect's shoulder and took his right arm to further restrain the suspect. Appellant Sessman can't see his partner so shouts out to his partner that he is okay and Sessman gets on the radio and initiated emergency radio traffic. Appellant Sessman took suspect's left arm and finished handcuffing him. Appellant Sessman felt it was more important to subdue suspect than to wait the 2-3 minutes for back-up due to the risks Appellant Sessman thought this situation would present. No one discussed tactical issues with Appellant Sessman in a debriefing nor was Appellant Sessman sent to additional training after the incident. Prior to this incident Appellant Sessman testified that he has never been disciplined for any foot pursuit or tactical violations. Appellant Sessman testified that initially he never discussed setting up a containment for the suspect. Appellant Sessman testified that there was nothing in the Department's policy that a deputy can't pass a stopped vehicle when involved in a foot pursuit. Appellant Sessman testified that once he had the suspect in custody, he was no longer in visual contact with his partner, Deputy Tien. Appellant Sessman testified that he acknowledged for the first time that he was technically involved in a foot pursuit but not in violation of the foot pursuit policy. Appellant Sessman testified that his actions during this incident were not all bad but there was room for improvement. Appellant Sessman testified that he was trained in foot pursuit policy prior to this incident. Appellant Sessman further added that he would have done things differently and gotten onto his radio to request back-up if this situation happened to him again. Appellant Sessman never considered a tactical retreat for this incident due to having cover from the pillar. Appellant Sessman also admitted that when he was subduing the suspect that he wasn't unable to see Deputy Tien. Sessman added that his understanding of the Policy and Procedures of the Department were merely guidelines when doing their job.

<u>**TESTIMONY OF SERGEANT JEFF HAMIL**</u>

Sergeant Jeff Hamil, (Hamil), has been with the Department for thirty years. Various assignments include Custody, Patrol, Narcotics. In 2011 while assigned to Internal Affairs Bureau, which includes the administrative portion of a Deputy involved shooting. Hamil stated that he responded to location of Appellant Sessman' s involvement in the shooting on June 22, 2013 to gather information. Hamil began shooting review and investigation once the D.A. give him clearance to do so. Hamil gave a summary of the facts he gathered regarding the subsequent traffic stop and foot pursuit of the fleeing suspect while Deputy Tien remained with patrol vehicle keeping the driver and the other passenger at bay. The suspect falls and faces Appellant Sessman. Appellant Sessman sees the suspect reach into his waistband where he has a weapon. Appellant Sessman fires several rounds and the suspect gets up and starts to run again. Appellant Sessman takes cover behind a pillar, suspect reaches again to grab his weapon from his waistband, Appellant Sessman fires several more rounds as the suspect falls face down with the suspect's hands underneath his body looking at Appellant Sessman. Appellant Sessman approaches the suspect and contains the suspect. Appellant Sessman radioed for assistance at that point. Hamil stated that the distance from Appellant Sessman' s vehicle to where the suspect was contained was 104 feet. Hamil further stated that Appellant Sessman had been involved in two prior officer-involved shootings where Appellant Sessman did not receive any disciplinary action taken against him. Hamil stated that Appellant Sessman had acted lawfully in self-defense regarding the shooting of said night with regards to the homicide investigation. Hamil further mentioned that Appellant Sessman and Deputy Tien had discussed this type of scenario prior to making this traffic stop. Hamil reviewed Foot Pursuit Evaluation Form. Hamil stated that although Deputy Tien

could not see Appellant Sessman, Appellant Sessman could still see Deputy Tien if Appellant Sessman would have turned his head but chose not to as Appellant Sessman' s focus was on the fleeing suspect. Deputy Tien told investigators that his focus was on the stopped vehicle.

TESTIMONY OF COMMANDER RALPH WEBB

Commander Ralph Webb, (Webb), has been with the Los Angeles County Sheriff's Department for thirty-five years. Currently assigned to East Patrol Division for three years as Commander as well as a Tactical Commander. Webb also sits on the Executive Force Review Committee. Webb testified that the tactics used were not within Department Policy. Webb testified that it was determined that there were safety concerns regarding "partner-splitting." The Executive Force Review Committee was unanimous and agreed to give Appellant Sessman a suspension of ten days for violations regarding Performance to Standards and Obedience to Laws, Regulations, and/or Orders specifically pertaining to Foot Pursuits. Webb testified that they took into consideration several mitigating factors such as Appellant Sessman' s intention to do good proactive police work. Appellant Sessman' s past performance that Appellant Sessman had no prior incidents. Truthfulness in both his Homicide and Internal Affairs interviews. Any discrepancies, Webb testified that there were other mitigating factors taken into account due to a time lag between interviews. Severity of Infraction which resulted in a death. Webb testified that he felt that there was a premeditation of the violation of "Foot Pursuit" policy and the other Commanders commented on this as well as this to Webb. Webb added that Appellant Sessman put himself into a potential crossfire situation the moment he went past the stopped vehicle with the driver and the other

passenger still inside. This area of known as a "kill zone." When reviewing Exhibit 4, Webb testified that he believed that Appellant Sessman violated the rules, regulations, or policies of the Department or County. A violation of the Foot Pursuit Policy where it became a Single Deputy Foot Pursuit and Tactical Incidents. There was no containment, control, communication, and didn't know if there was a contingency plan. Webb further state that Appellant Sessman failed after the initial shooting to radio for help, back-up, or helicopter. Webb felt that Sessman should have maintain behind the pillar and wait for back up. Appellant Sessman continued to take independent actions to approach the suspect. Webb testified that there were other opportunities and options for Appellant Sessman to have contained this situation differently with just a click of his radio. Webb testified that approaching a downed suspect with his hands not in view was not the best tactics to use. The Watch Commander was not given the opportunity to cancel the foot pursuit due to no radio broadcast from either Deputy, Webb mentioned. Webb asked what was the reason for a chase? What violation did the suspect do except get out and run? Instead of making a tactical retreat after the first shooting, Webb said that for a Deputy fearing for his life, Appellant Sessman continued to advance on the suspect to close the distance made it hard for him to "square" as Appellant Sessman has put himself into two kill zones. Webb mentioned that even months after the foot pursuit incident, Appellant Sessman, with the benefit of counsel, still failed to recognize that he was involved in a foot pursuit and that was disconcerting to Webb. Webb believed that Appellant Sessman did violate the one-person foot pursuit policy and explained the difference between the discipline that Deputy Tien and Appellant Sessman received with regards to culpability of the incident.

TESTIMONY OF MICHAEL HARDING

Michael Harding, (Harding) has been with the Los Angeles County Sheriff's Department (Department) for over 29 years. He has held his current rank of Sergeant since early 2003. From 2006 until currently, Harding has been assigned to Training Bureau, Tactical and Survival Training Unit. In the position of supervisor and sergeant of tactics and survival. Harding is the Department's subject matter expert in the use of firearms, less lethal weapons, tactics, active shooter, as well as a member of the Critical Incident Committee as part of the Department's subject matter experts from the Training Bureau.

Harding testified that the deputies are taught policy and guidelines in their basic Peace Officer Academy training as well as patrol school where they are taught how to deal with tactical incidents. Harding also testified that there is continued professional training as well once the deputies are in the field. Sergeant Christine Roam (Roam) presented Harding with a hypothetical scenario where at 9:45 p.m. where in the city of La Puente, a two-manned patrol vehicle witness a dark Buick fail to make a complete stop at a stop sign and the deputies initiate a traffic stop. The passenger deputy tells his partner that he believes a passenger is going to run from the vehicle. The front passenger door opens and the front passenger exits the vehicle before the car comes to a complete stop. The "bookman" deputy is out of the patrol vehicle and begins running after the front male passenger. Harding testified that deputies are trained to make a choice to pursue on foot those they believe had committed a crime. Harding also testified that deputies that are partnered together would discuss a number of hypothetical scenarios and how they might handle them is encouraged. Harding further testified that unless there was some compelling reason do so, the Department would want the partners to stay together because they are much more effective in dealing

with a situation, especially that had multiple suspects. The actions of the Appellant were inconsistent of how they are trained Harding testified. They are trained not to pass potential threats such as the stopped passenger vehicle in this scenario. Harding also testified that he considered Appellant Sessman had engaged in a foot pursuit, there was no policy that expressively prohibits the practice. Harding further testified in his opinion, that losing sight of your partner would constitute "partner splitting." Harding considered the competing priorities a "tactical dilemma." In addition, Harding opined that since the driver deputy did not see his partner at a certain point when the shots were fired which led Harding to believe that there was some sort of obstacle in the way and if that was the case, per policy, that partner splitting occurred and Appellant Sessman should have stayed at his cover radioing for backup. For this hypothetical, Harding opined that the department would have preferred their deputies to have chosen more prudent tactics and not having Appellant Sessman put himself at a tactical disadvantage. On cross examination Harding testified that the deputies are not trained to pass a suspect vehicle but deputies in some instances, are trained to pass by a potential vehicle and should use good tactics and judgment to ensure there isn't a threat posed by the occupants.

TESTIMONY OF ROY BURNS

Roy Burns, (Burns) is a rebuttal expert witness, in foot pursuits, having served with the Los Angeles County Sheriff's Department for roughly 30 years. He retired approximately 6 years ago from the Department. Had experience as an instructor in tactics, foot pursuits, and use of force. Worked as an instructor at Laser Village. Burns believed that he trained Sgt. Harding who had testified earlier. Burns testified that he was one of the primary authors of

Department's Foot Pursuit policy. Burns stated that an officer can pursue a suspect that flees from a vehicle that has been pulled over for a traffic stop if they believe there is reasonable suspicion. Burns testified that there is no Department policy against "partner splitting" to apprehend suspects. The chasing officer must follow protocols involving the one officer foot pursuit. Burns opined even losing sight for 2-3 seconds of each other partner, does not qualify as "partner splitting". Tactics are flexible but Department Policy is inflexible with its guidelines. Burns believed that the actions of Appellant Sessman to approach the downed suspect to contain him was based upon that the individual was armed and would pose a threat to him, Appellant Sessman' s partner, and the community at large and was necessary to remove the suspect entirely from the equation. Tactical training dictates to avoid "kill zones" but sometimes the events change and can't be avoided. Burns felt that preplanning reduces lag time in how to behave or perform during a situation or encounter. Burns mentioned that preplanning occurs with other Sheriff's Deputies. Burns believed that the tactics employed may have been improved on but the end results were good. Burns testified that he believes that a tactical dilemma does not violate the Department's Foot Pursuit policy.

DISCUSSION

Per the Department's policy, the definition of a foot pursuit is an attempt by a Department member to follow or track, on foot, a fleeing suspect who is attempting to avoid arrest, detention, or observation.

Per the Department's policy, the definition of partner splitting during a foot pursuit occurs when the loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.

The Tactical Incident code briefly defines that Department members shall be guided by sound tactical principals when involved in any tactical incident. The tactics employed by Department

members shall be governed by applicable Department policies, accepted training practices, the exigency of the circumstances, and the application of sound judgment and common sense.

The Department argued that Appellant violated the rules involving "Tactical Incidents", "Partner Splitting" and Foot Pursuits. The Employee Training Data for Appellant Sessman produced during the hearing showed that Sessman had several sessions of Pursuit Policy Training that should have helped him make alternate choices, rather than the one he took during this incident. From the Foot Pursuit Evaluation Form, Appellant Sessman put himself in the line of fire or known as a "kill zone", when he continued his chase and ran by the remaining passengers in the stopped vehicle which exposed him to a possible threat of lethal force used against him. Deputy Sessman could have remained behind cover, radioing for assistance and containing the suspect from his position instead of advancing. The Department's position was absent a compelling reason; a deputy should make a lone approach of an armed suspect. Sessman had taken TAS training where this scenario has a suspect playing possum with a gun underneath with his hands out of view of the deputy.

The Appellant made arguments that scenario-based training, Laser Village are good but still doesn't consider the "real world" actions that change how to react in a non-static way. During the hearing, the Appellant conceded that he was technically involved in a foot pursuit. He also believed that policies and procedures are guidelines for deputies to follow and not rigid in nature. If confronted with the same situation, the Appellant believes he would do things differently.

Are the allegations contained in the department's letter dated September 9, 2015, true?

The allegations in the department's letter dated September 9, 2015 are true.

If any or all are true, is the discipline appropriate?

Department Guidelines for violation of policy provides a range of discipline:

- **<u>Section 3-01/030.10, Obedience to Laws, Regulations, and Orders; Specifically pertaining to 5-09/220.50. Foot Pursuits</u>** – States in part that Members who violate any rules, regulations, or policies of the Department or County, shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action. - **<u>The Discipline range for this violation is a written reprimand to three days.</u>**

- **<u>Section 3-01/030.10, Obedience to Laws, Regulations and Orders; Specifically pertaining to 3-10/150.00 – Tactical Incidents</u>** - **<u>The Discipline range for this violation is a written reprimand to discharge.</u>**

- **<u>3-01/050.10 Performance to Standards</u>** - **<u>The Discipline range for this violation is a written reprimand to discharge.</u>**

The disciplined levied in this matter is reasonable, in accordance with Manual of Policy and Procedures and supported by investigative findings, as well as testimonial and documentary evidence. Taking into account mitigating factors such as Appellant's work performance, discipline history, and truthfulness were counter-balanced by the Appellant's departure from Department standards that could have possibly placed both reversal or reduction of the imposed discipline is not warranted.

FINDINGS OF FACT

1. On January 7, 1998, Appellant was hired by the Los Angeles County Sheriff's Department in the position of Deputy Sheriff. [redacted]

2. Events of June 22, 2013 where Deputies Sessman and Tien at 2147 hours conducted a traffic stop on Loukelton Street after noticing a grey Nissan Altima fail to stop at stop sign.

   The front passenger ran out of the car with Appellant Sessman giving chase. Deputy Tien remained at the patrol vehicle and detained the driver and another occupant of the Altima. The suspect tripped and fell. When the suspect attempted to get on his feet, Appellant Sessman noticed the suspect reaching for a stainless-steel handgun in the suspect's waistband. Fearing for his safety, Appellant Sessman fired several rounds. The suspect got up and started running west on the sidewalk while reaching for his waistband. Appellant Sessman took cover behind a brick post as the suspect turned to Appellant Sessman' s direction and reached for the handgun in his waistband. Fearing again for his safety, Appellant Sessman fired two to three shots at the suspect, striking him. The suspect ran a short distance and collapsed. Appellant Sessman handcuffed the suspect and initiated a broadcast of a "Deputy involved in a shooting." The suspect was transported to Los Angeles County/USC Medical Center where he was pronounced dead.

3. On March 31, 2015 Appellant was issued a Letter of Intent indicating a suspension without pay from his position of Deputy Sheriff.

4. On September 9, 2015 Appellant was issued a Department letter containing notification of being suspended without pay for ten days.
5. Appellant's PPI indicates that Appellant received a ten-day suspension for violations of **3-01/030.05**: General Behavior, **3-01/030.10/A** Obedience To Laws/DUI
6. During the last day of testimony, Appellant Sessman admitted that when he was subduing the suspect, he wasn't unable to see his partner, Deputy Tien thereby establishing that he did engage in "Partner Splitting."

CONCLUSIONS OF LAW

1. The Department has met its burden in proving that the allegations contained in its letter of September 9, 2015, are true.

2. The Department has met its burden in proving that the discipline is appropriate and in accordance with County policy.

RECOMMENDATION

The imposed suspension is supported by the testimony and documentary evidence provided during the Civil Service Hearing.

In this instance, Appellant did violate the Los Angeles County Sheriff's Department Policy and the discipline imposed is reasonable and in accordance with County guidelines. Therefore, it is respectfully recommended that the Department be sustained in this matter.

Dated this the 10th day of November, 2016

By: [signature]

Brent Rosenbaum
Hearing Officer



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

September 9, 2015

Date of Department Hire 01/07/1998

Deputy Chad Sessman, [redacted]

Dear Deputy Sessman:

On March 31, 2015, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2376642. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days effective September 14, 2015 through September 23,2015.

An investigation under File Number IAB 2376642, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manuel of Policy and Procedures, Sections(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 3-10/150.00, Tactical Incidents; and/or 5-09/220.50, Foot Pursuits), on or about June 22, 2013 while on Duty, Subject Sessman failed to conform to the work standards established for his position as a patrol deputy when he failed to employ sound tactical principals during a

traffic stop and apprehension of an armed suspect, as evidence by, but not limited to the following:

a. placing himself at a tactical disadvantage by splitting from his partner and engaging in a solo deputy foot pursuit of the suspect; and/or,

b. knowing the suspect to be in possession of a handgun, Subject Sessman failed to employ sound tactics when he closed the distance, approached the downed suspect whose hands were out of view, and apprehended the suspect without waiting for additional and/or resources to arrive.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Matthew J. Burson, Captain
Operation Safe Streets Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

MJB:DLM:vv

cc: Advocacy Unit
Tracee R. Allen, Chief, Detective Division
Internal Affairs Bureau
Personnel Administration
Operation Safe Streets Bureau/unit Personnel File